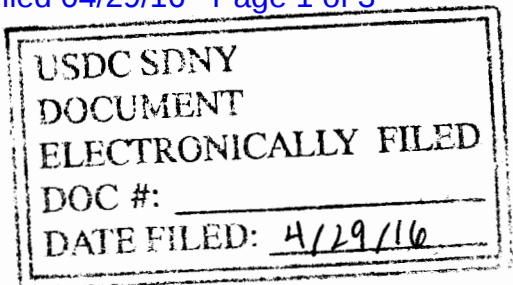


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL ETHER
("MTBE") PRODUCTS LIABILITY
LITIGATION**

This document relates to:

*Commonwealth of Puerto Rico, et al. v.
Shell Oil Co., et al.*, No. 07 Civ. 10470



**Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88**

SHIRA A. SCHEINDLIN, U.S.D.J.:

CASE MANAGEMENT ORDER NO. 122

This CMO memorializes rulings made at the April 26, 2016 status conference, as well as agreements reached by the Parties regarding preliminary discovery for Phase II of this case.

1) EXCHANGE OF INITIAL DISCOVERY:

a) By Plaintiffs: By July 19, 2016, Plaintiffs shall:

i) Answer Defendants' March 4, 2016 First Set of Discovery on Non-Trial Sites ("First Set") as follows:

A) Answer Interrogatory No. 1 as to each site. Plaintiffs need not identify defendants by each cause of action being asserted.

B) Answer Interrogatory No. 2 as written to the extent Plaintiffs knows of the supplier(s). Plaintiffs shall indicate date range of supply, if known.

C) Plaintiffs need not answer Interrogatory No. 3 because it merely asks Plaintiffs to identify the additional information

and/or documents it needs to answer Interrogatory No. 2, which the Court determine does not require a response.

D) Answer Interrogatory No. 4 as written.

E) Produce the written report and laboratory report that formed the basis of Plaintiffs' answer to Interrogatory No. 4 (a) and (b).

b) Within 30 days following Plaintiffs' service of responses to the First Set, Defendants shall respond to Plaintiffs' Fifth Set of Document Requests ("Fifth Set") for that subset of sites for which Plaintiffs' First Set of Responses indicate a site to be time-barred in Defendants' opinion. The parties shall thereafter meet and confer regarding the timing of Defendants' response to the Fifth Set for the remainder of the sites identified in that discovery set.

c) **By Defendants:** By September 16, 2016, each Defendant shall, to the extent in its possession, custody or control:

- i) Provide Plaintiffs, to the extent not already identified by Plaintiffs in their response in (1)(a)(i) above, with the identity of each defendant having an association with each site, including as a supplier(s), owner(s), operator(s), brander(s), and franchisor(s).
- ii) Provide Plaintiffs with the dates of such association(s).

2) **PHASE II DISCOVERY & STRUCTURE:** By October 14, 2016, the parties will begin to meet and confer regarding (i) additional discovery required in Phase II; (ii) potential for stipulated dismissal of sites; and (iii) a Phase II trial structure consistent with CMO

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
April 29, 2016